



Town of Loxahatchee Groves

Regular Meeting, April 20, 2010 at 7:00 p.m.

MINUTES

Loxahatchee Groves Water Control District
101 West "D" Road, Loxahatchee Groves

Frank R. Spence, Town Manager
Michael Cirullo, Town Attorney; Goren, Cherof, Doody & Ezrol, P.A.
Ann Harper, Town Clerk

OPENING 1 - 4

Mayor Browning called the meeting to order at 7 p.m. In addition to Mayor Browning, the following were present: Councilmen Ron Jarriel, Ryan Liang, and Jim Rockett; Vice-Mayor Dennis Lipp. Present from Staff were Frank R. Spence and Town Manager, Michael Cirullo, Town Attorney. Mayor Browning offered the Invocation following the Pledge of Allegiance.

5) Additions and Deletions – Mr. Spence added items 15a and 15b as requested by Councilman Liang.

6) Approval of Agenda

Motion was made by Vice-Mayor Lipp, seconded by Councilman Liang, to approve the Agenda. The motion carried by voice vote, 5/0.

CONSENT AGENDA

7) Approval of March 2010 invoice from Town Attorney

8) Approval of February 2010 financial statements

9) Approval of Town Council meeting minutes March 2, 2010 and March 16, 2010

Vice-Mayor Lipp said he would like to remove Item #8 from the Consent Agenda and place it on the Regular Agenda.

Councilman Jarriel made a correction on Page 3 of the March 16th minutes to show there should be no cost to the landowner for the hauling permit. Mr. Spence verified that the ordinance provides the property owner will not have any fees.

Motion was made by Councilman Liang, seconded by Councilman Jarriel, to approve the Consent Agenda as amended. The motion carried by voice vote, 5/0.

8) Approval of February 2010 Financial Statements (moved from Consent Agenda)

Vice-Mayor Lipp referred to Page 2 of 3 of the Financial Statements and asked why the Office Supplies Account was over expended. Mr. Spence said we are living with the budget which was prepared by the prior administration, and due to the expenses of moving the office, there may be some improper charges in the Office Supplies account. The budget next year will have a new layout.

Vice-Mayor Lipp referred to the Waste Oversight account and noted it is 68% used instead of 40%. Mr. Spence said Mr. Schiola has been performing extra work in monitoring and he has also identified twenty-

seven properties which are not paying the sanitation fee. He will exceed the \$12,000 budget because of these additional duties.

Vice-Mayor Lipp said we need to pay close attention to these things and bring them to the attention of Council. He said the hourly fee should be modified to a flat rate in the next budget, and the monitoring should be complaint-driven just like the code enforcement program.

COMMITTEE REPORTS

10) Finance Advisory & Audit Committee *(Chairman Chiu)*

Report

The report was given by Chairman Chiu. Vice-Mayor Lipp thanked Mr. Chiu for mentioning the "punch list" and said he would term it "Old Business". He said he will recommend that it be placed on upcoming agendas so we will know the things that have not been taken care of.

11) Intergovernmental Committee *(Vice Mayor Lipp)*

Report

Vice-Mayor Lipp said there are still questions outstanding about the County's required use of the five-cent gas tax for mass transportation and he asked for documentation of the ordinances. He also asked for an update on the Town taking over road maintenance. Attorney Cirullo said it is necessary to make sure we are covered for liability issues, and Staff will ask for an on-site review by our insurance carrier. Vice-Mayor Lipp said the closing of 40th Road North is on track, and we need to take a look at weight limits on dirt roads.

12) Solid Waste Monitoring *(Frank Schiola)*

Report

Mr. Schiola said the tire amnesty day is scheduled for Saturday, June 5, 2010, and there will be no cost to the Town for disposal of the tires. The vegetative bulk pickup is scheduled to begin on June 28th and end on or about July 2nd. Last year the cost was \$15,000. Council approval is needed for both of these events. A postcard will be sent to residents announcing the dates for both the tire amnesty day and the bulk pickup.

Mr. Schiola said there is an illegal dumping problem on C Road between Southern Boulevard and Connecting Canal. This is an area where there are three families and a lot of vacant land. We need to figure out something to do. He has thought about closing it at the request of the residents, and he would like suggestions from the Council.

Mr. Schiola also addressed the comments which have been made about the assessments he has been working on.

Mayor Browning said they would discuss the problem of dumping on Southern and Connecting Canal.

Councilman Jarriel suggested putting up a gate to keep them off the canal easements.

Vice-Mayor Lipp said he instructed the former management team to look into compelling the land owner to clean up the old buildings and trailers. If this does not happen, then the Town should take care of the problem and then take over the land if the owner doesn't pay for the cleanup.

Motion was made by Vice-Mayor Lipp, seconded by Councilman Rockett, to start working on a solution to the "Anna Mann Property" to get it cleaned up.

Mr. Spence said he is familiar with the property and he has contacted the County about getting a Building Official to condemn the structures and have them demolished. The County said it was a time-consuming process and suggested our Code Enforcement consultant would be in a better position to move forward with this project.

Mayor Browning called for a voice vote on the motion to start working on the property, which carried 5/0.

No action was taken on the suggestion to install a gate.

Motion was made by Councilman Liang, seconded by Councilman Jarriel, to authorize the expenses for a bulk pickup beginning June 28, 2010, and ending on or about July 2. The motion carried by voice vote, 5/0.

Motion was made by Councilman Jarriel, seconded by Councilman Liang, to issue an RFP to select a vendor for the bulk pickup. The motion carried by voice vote, 5/0.

Public Comments

Howard Voren made suggestions for the removal of metal rims.

Motion was made by Councilman Rockett, seconded by Councilman Jarriel, to approve Tire Amnesty Day on Saturday, June 5, 2010, including the expenses of printing and postage for the postcards to be sent to residents. The motion carried by voice vote, 5/0.

REGULAR AGENDA ITEMS

- 13) An agreement between Palm Beach County Information System Services; Gary Nikolitis, Palm Beach County Property Appraiser; and the Town of Loxahatchee Groves, authorizing the County's agencies to process the Town's data for Non Ad Valorem assessments for solid waste, for inclusion on the forthcoming tax bill as permitted by the Florida TRIM bill.**

Mr. Spence said this agreement deals with the Property Appraiser processing the Town's data for the Town's non-ad valorem assessment for the Sanitation fee. For the next budget year, we plan to set up Sanitation as an Enterprise Fund, and all expenses will be included in this fee. The additional costs will include monitoring and legal advertising as required.

Motion was made by Vice-Mayor Lipp, seconded by Councilman Liang, to approve the agreement. The motion carried by voice vote, 5/0.

- 14) Follow-up comments from Saturday's Workshop on the proposed LDR's.**

Mr. Spence said this is a carry-over from the workshop on Saturday, April 17. Some issues were identified by the Town's Consultant, Michelle Mellgren, and will be looked at separately. Other issues that the Council wanted to discuss here are: (1) the creation of an Aviary Committee; and (2) the number of livestock permitted. The Council is to provide direction to the Consultant on these two issues.

Vice-Mayor Lipp asked what the deadline was for adoption of LDR's. Mr. Spence said the law requires that newly incorporated cities adopt LDR's within one year of adopting a Comprehensive Plan. The Town has passed the one-year period of time, but the Comprehensive Plan is in limbo because of the objection, which is like a lawsuit. Attorney Cirullo said you should do your best to wrap this up as soon as possible. If not, the DCA could tell us to do it within a certain length of time, and if we don't, they could sue us.

Mayor Browning said he would like Council members to speak about the two issues.

Councilman Jarriel said he agrees with staying with the County codes about aviaries and about livestock. The County Code has aviaries, and a committee is something that we need. Regarding livestock, the County provides for an unlimited number for ten acres and above.

Councilman Liang said he never agreed with limiting of animals, and he believes a committee would be helpful to speed up this process.

Councilman Rockett said he goes along with Councilman Jarriel on the livestock issue. We need to adopt some of the County codes and move forward.

Vice-Mayor Lipp requested a clean electronic copy of the document that the Consultant "cleaned up" since the Saturday meeting. He said we need an aviculture committee to be appointed. It is ok to stick with the County code for some of the things, but the County left us with a big mess. He agreed with the animal numbers and said he thinks we need to get the committees appointed.

Mayor Browning said he wants to make sure that we protect the residents from noise, smells, lighting and things like that. Things that were conforming before are ok. He agrees with Councilman Jarriel on the number of animals. He favors going with the County, and then modifying things if needed. He is willing to put aviary under the County Code, and consider them compliant if they were compliant before, but it is a good idea to get a committee together with input from those in the industry and others.

Motion was made by Vice-Mayor Lipp for each Council member to appoint one person to the Aviculture Committee. The Committee is to bring back the set of LDR's taking the County Code as the basis and bring it back to the Council. He asked that residents in the audience who are interested in being appointed to the Committee stand and introduce themselves to the Council. The motion was seconded by Councilman Jarriel.

The following residents indicated an interest in being appointed to the Committee:

Susan Clubb
Karen Peasley
Howard Voren
Paul Reillo
Kevin Carroll
John Ryan
Frank Schiola
Maureen Lefkowitz

The following appointments were made:

Councilman Rockett – Jim Berke
Councilman Liang – Susan Clubb
Mayor Browning – Paul Reillo
Councilman Jarriel – John Ryan
Vice-Mayor Lipp – Howard Voren

First meeting will be Thursday, April 29, 7 pm, location to be determined. Attorney Cirullo advised the new committee members that they are subject to the Sunshine Law.

15a) Consideration of forming an LDR Committee – Councilman Liang

Vice-Mayor Lipp suggested setting up a workshop date.

Motion was made by Councilman Liang to form an LDR Committee. Councilman Jarriel seconded the motion but said he thinks they are running out of volunteers.

Councilman Rockett said we need to set a date to sit down and get through a large segment of the document, then get another draft and two weeks later go through another large segment.

Councilman Liang said he thought about setting aside part of a regular meeting to discuss the LDR'S. He would like to do a thorough job and get it done. Workshops would take another six to eight months.

Councilman Jarriel said maybe we could sacrifice the second monthly meeting and make it into a workshop for the LDR's.

Vice-Mayor Lipp said he agreed with Councilman Rockett that two workshop sessions are all that would be needed to nail it. He made a motion that the Council members only would participate, not the public.

Mayor Browning said he agreed that the work could be done with just a couple more workshops, and we do not need a committee to do it.

Mayor Browning called for a voice vote on the motion to form an LDR committee, which failed 2/3 with Mayor Browning, Councilman Rockett, and Vice-Mayor Lipp voting no.

Mayor Browning asked how they were going to proceed now with conforming and nonconforming, the number of animals, and aviaries.

Attorney Cirullo said the Council has agreed upon notifying Consultant Michelle Mellgren to go with the County regulations on the number of animals and the County ULDR's on aviaries.

Mayor Browning said his only thing left is conforming and nonconforming, Vice-Mayor Lipp said he received an email with wording that would give the Council the final say. The wording is "Upon adoption of the Town's ULDC's, any properties already legal and conforming to Palm Beach County's ULDC, subject to verification by the Town Council, shall be deemed to be legal and conforming to the Town's ULDC's."

Mayor Browning said those uses that are legal and conforming will be approved subject to verification by the Town Council.

Attorney Cirullo asked if there will be an application process for that verification.

Councilman Jarriel said if there is a complaint, then they will have to justify that they were legal and conforming before incorporation. As far as having everyone come in to submit an application, that is inconvenient for residents.

Attorney Cirullo asked is there going to be a time limit on verifying it.

Mayor Browning said we are still talking legal and conforming. There are some uses here that are industrial and were never conforming.

Attorney Cirullo said there is one more question about continuation of use when the use is stopped for some reason.

Councilman Rockett asked the Attorney to include in his review if this changes the burden of proof to prove "conforming."

After further discussion, it was decided to hold workshops beginning at 6 pm before the regular Council meetings which will begin at 7 pm.

Public Comments

Todd McLendon said the private problem with his neighbor has become a public issue.

Susan Clubb presented petitions with 150 signatures to the Council. Motion was made by Vice-Mayor Lipp, seconded by Councilman Jarriel, to accept the petitions. The motion carried by voice vote, 5/0.

Paul Reillo spoke about the proposed LDR's.

Fred Schriefer said he attended the workshop on Saturday and is glad that industrial uses will not be permitted.

Maureen Lefkowitz asked what has happened to the noise ordinance.

Howard Voren spoke in favor of the Council adopting the Palm Beach County Code for the Town's ULDC's.

15b – Creating a Committee to Pursue Grants – Councilman Liang

Councilman Liang said the Town contracted with a company to apply for road grants, and the application was not approved. He thinks a committee made up of Town residents should be successful in preparing grant applications.

Councilman Jarriel said this should be our next priority, after we get other things out of the way so people can volunteer for this committee.

Councilman Rockett said he agrees with the idea and we should do it in the near future.

Vice-Mayor Lipp said it is a good idea for the future, and he suggested creating a Community Redevelopment Agency (CRA) for a portion of the Town.

Public Comments

Cindy Corum spoke about grant applications.

Frank Schiola spoke about applying for a grant to develop an Emergency Operations Center (EOC).

Howard Voren suggested applying for a grant to construct a horse trail.

Councilman Liang said he did not intend for this to be committee to be established immediately, but in the near future.

ADMINISTRATIVE UPDATE

Mr. Spence said that the slash pine seedlings have been delivered to a nursery and are ready for distribution to residents. Motion was made by Vice-Mayor Lipp, seconded by Councilman Liang, to send a thank-you letter to residents Linda and Sundar Heeraman who presented a check to the Town to pay for the seedlings. The motion carried by voice vote, 5/0.

CLOSING COMMENTS

15) Public Comments

Marge Herzog thanked the Town for funding some of the recent Census events.

Frank Schiola thanked the Council members and Staff who participated in the recent elementary school fair.

Marge Herzog said Frank Schiola should volunteer his services to the Town instead of being paid.

Tom Goltzene spoke about problems with illegal dumping and other problems with vacant properties in the Town.

John Ryan spoke about a bill pending which will affect properties which are being foreclosed.

16) Town Attorney Comments – Attorney Cirullo scheduled a Shade session for the Council to be held Tuesday, May 4, 2010, at the Town Management Offices beginning at 5:15 p.m.

17) Town Council Member Comments

Vice-Mayor Lipp spoke about new developments in the Western areas which have been approved at the County level.

Councilman Jarriel thanked Frank Schiola for volunteering to help him install the large census signs.

18) Adjournment

There being no further discussion and no additional public comment, the meeting was adjourned at 10:15 p.m.



DAVID BROWNING, Mayor

June 1, 2010
Date Council Approved

Attest:



Ann Harper, Town Clerk